

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, putrid, and decomposed vegetable substance.

On November 15, 1924, Orloff Bros. & Hershenstein, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,300. in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion under the supervision of this department, and the bad portion destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*

**12865. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 19185. I. S. No. 12873-v. S. No. E-5003.)**

On November 3, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 13 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Coop. Creamery Assoc., Boyden, Iowa, on or about October 26, 1924, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been in whole or in part abstracted.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On November 13, 1924, the Farmers Cooperative Creamery Co., Boyden, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, or the deposit of collateral in like amount, conditioned in part that it be reprocessed under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

**12866. Adulteration and misbranding of chocolate products. U. S. v. 21 Boxes of Fisher's Chocolates. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16628. S. No. E-4026.)**

On July 14, 1922, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 21 boxes of Fisher's chocolates, remaining in the original unbroken packages at Philadelphia, Pa., consigned by S. Fisher & Co., Inc., Hoboken, N. J., alleging that the article had been shipped from Hoboken, N. J., on or about June 3, 1922, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive shells had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the packages in which the article was enclosed contained labels bearing the following statements regarding the said article and the ingredients and substances contained therein, "Fisher's Chocolates \* \* \* Guaranteed and Manufactured By S. Fisher & Co. Inc., Hoboken, N. J. U. S. A. \* \* \* Choc. Fruit Bars" (or "Chocolate Pineapple Hearts", as the case might be), which said statements were false and misleading. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On November 14, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**12867. Adulteration and misbranding of salad mustard. U. S. v. 27 Cases of Salad Mustard. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 18830. I. S. No. 20215-v. S. No. W-1524.)

On September 29, 1924, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 27 cases of salad mustard, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Packers Supply Co., from Oakland, Calif., on or about May 19, 1924, and transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Palace Car Brand Salad Mustard With Turmeric."

Adulteration of the article was alleged in the libel for the reason that mustard bran had been mixed and packed therewith so as to reduce or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article and in that the designation "Salad Mustard" was false and misleading and deceived and misled the purchaser when applied to a product containing added mustard bran.

On November 14, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**12868. Adulteration and misbranding of grape juice. U. S. v. 15 Cases and 10 Cases of Grape Juice. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 18921. I. S. Nos. 18994-v, 18995-v. S. No. C-4459.)

On August 20, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of grape juice, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the John C. Meir Grape Juice Co., from Silverton, Ohio, July 10, 1924, and transported from the State of Ohio into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Lady Clementine Catawba Grape Juice."

Adulteration of the article was alleged in the libel for the reason that a substance, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the bottles containing the article bore the following statements, "Lady Clementine Catawba Grape Juice Contents 12½ Fl. Oz." (or "1 Pt. 9 Fl. Oz.") "Contains about .034 of 1% Sulphur Dioxide," which statements were false and misleading in that they represented to the purchaser that the article consisted of grape juice, and for the further reason that the said statements deceived and misled the purchaser into the belief that the article was grape juice, whereas, in truth and in fact, it consisted in part of added water and was offered for sale under the distinctive name of Catawba grape juice.

On November 13, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**12869. Misbranding of butter. U. S. v. Sugar Creek Creamery Co., a Corporation. Plea of guilty. Fine, \$50.** (F. & D. No. 18087. I. S. Nos. 6844-v, 6845-v.)

On June 6, 1924, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sugar Creek Creamery Co., a corporation, trading at Louisville, Ky.,